

Randolph Zoning Board of Appeals

June 1, 2016

ZBA07-2016

CJR Estates, LLC

339 Canton St

Stoughton, MA 02072

43 Sunset Dr.

Hearing Minutes

Attendance:

Arnold Rosenthal, Chairman Alexander Costa, Vice Chairman Kevin O'Connell, Treasurer Sean Fontes, and Charles Gordon, Alternate

Chairman Rosenthal opened the hearing at 7:15PM.

Legal Notice was read.

The Randolph Zoning Board of Appeals will hold a Public Hearing on Wednesday, June 1, 2016, at 7:15 P.M. at the Town Hall in accordance with the provisions of M.G.L. Chp. 40A, on the application of CJR Estates, LLC., on property located at 43 Sunset Drive, Randolph, Massachusetts, to vary the terms of the Zoning By-laws, Section 200-29. (A).Side Yard; Or any other section of the Zoning By-Law applicable to bring into compliance an existing Deck.

Premises are located on Assessor's Map as follows: Map 8, Block D.& Parcel 6

Plans may be viewed on the Town Hall Bulletin Board.

Arnold Rosenthal, Chairman
Al Costa, Vice Chairman

ZBA #07-2016

Publish: May 13, 2016 and May 20, 2016 in the Randolph Herald.

Petitioner presented checks due for the Advertising and Abutters List.

Chairman Rosenthal recognized the petitioner's representative Dave Klenert from Collins Engineering and the petitioner from CJR Estates, LLC. Christopher Piazza.

Mr. Klenert spoke as to what they were looking for was a side yard setback. The setback is approximately 10 inches in to the 15 feet requirement of the by-law/ordinance. The Architect designed the house to have the door at the side of the house with a garage under and the deck. The way the house was situated on the lot and that there is a 50 feet wide Gas Easement. There can be no structure within 70 feet because of the Gas Easement. The frontage is on Canton Street and the driveway is on Sunset.

Hardship: Gas Easement and Shape and Topography of Lot.

Public portion:

Public – In Favor: None

Public - Apposed:

Christopher Rodriguez – 371 Canton Street. Looking at the house and deck from his back yard does not look good.

Luke Fortier – 367 Canton Street. He does not like where the deck is located.

Public Portion Closed.

Board Questions:

Charles Gordon – To the Neighbor (Mr. Rodriguez) Does that harm you?

Christopher Rodriguez – No. Luke Fortier – No Harm.

Kevin O’Connell – 10” on corner of Deck, House and most of the deck are outside of the setback.

Christopher Piazza and Dave Klenert suggest a few Arborvitaes to block the view. They also mentioned a possible plastic fence.

Board suggest the talk after to work out what they want.

Chairman requested a Motion.

Motion by Kevin O’Connell and seconded by Sean Fontes

Motion to Vary the By-Law/Ordinance 200-29 (A) Side Yard Setback from 15 feet to 14.2 feet.

Vote:

Arnold Rosenthal, Chairman	Yes
Alexander Costa, Vice Chairman	Yes
Kevin O’Connell, Treasurer	Yes
Sean Fontes	Yes
Charles Gordon, Alternate	Yes

By Board Vote of five in favor and zero against. The Motion is granted.

Variance Finding:

permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

Chairman Rosenthal read the Appeal process from 40A Section 17.

Chairman closed the public hearing at 7:45PM

Filed with the Town Clerk.

Date: _____

John Hill Clerk/Secretary